

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

**ABEL PENA**

**VS.**

**AMERICAN ZURICH  
INSURANCE COMPANY**

**C.A. No.: 2:16-cv-00501**

**PLAINTIFF'S NOTICE OF DISMISSAL**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Plaintiff Abel Pena files this Notice of Dismissal. Because Defendant has yet to answer or file a motion for summary judgment, Plaintiff has the right to voluntarily dismiss his case without a court order. Fed. R. Civ. P. 41(a)(1)(A)(i). After this lawsuit was filed, Defendant informed Plaintiff that it would not seek subrogation or a credit against future benefits. (See Exhibit A). Therefore, there is no longer a need to litigate this case, and Plaintiff hereby gives notice that he is dismissing it without prejudice.

Respectfully submitted,

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FOR PLAINTIFF ABEL PENA